

HOWARD & HOWARD ATTORNEYS, PLLC
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89169
(702) 257-1483 FAX: (702) 567-1568

HOWARD & HOWARD ATTORNEYS PLLC

Robert Hernquist
(Nevada Bar No. 10616)
Wells Fargo Tower, Suite 1000
3800 Howard Hughes Parkway
Las Vegas, Nevada 89169-5980
Telephone: (702) 257-1483 | Facsimile: (702) 567-1568
Email: RHernquist@HowardandHoward.com

Patrick M. McCarthy (Michigan Bar No. P49100) (admitted *pro hac vice*)
2950 S. State Street, Suite 360
Ann Arbor, Michigan 48104-1475
Telephone: (734) 222-1483 | Fax: (734) 761-5957
Email: PMcCarthy@HowardandHoward.com

Kristopher K. Hulliberger (Michigan Bar No. P66903) (admitted *pro hac vice*)
450 West Fourth Street
Royal Oak, Michigan 48067-2557
Telephone: (248) 723-0453 | Fax: (248) 645-1568
Email: kkh@h2law.com

Christopher J. Worrel (Michigan Bar No. P75441) (admitted *pro hac vice*)
450 West Fourth Street
Royal Oak, Michigan 48067-2557
Telephone: (248) 723-0453 | Fax: (248) 645-1568
Email: cjw@h2law.com

Attorneys for Plaintiff Konami Gaming, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KONAMI GAMING, INC., a Nevada
corporation,

Plaintiff,

v.

MARKS STUDIOS, LLC d/b/a Gimmie
Games, a Georgia limited liability company,

Defendant.

MARKS STUDIOS, LLC d/b/a Gimmie
Games, a Georgia limited liability company,

Counterclaim-Plaintiff,

Case No.: 2:14-CV-01485-JAD-CWH

Honorable Jennifer A. Dorsey
Magistrate Judge Carl W. Hoffman

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY SCHEDULING
ORDER (NINTH REQUEST)**

v.

KONAMI GAMING, INC., a Nevada
corporation,

Counterclaim-Defendant.

**STIPULATION AND [PROPOSED] ORDER TO MODIFY
ORDER SCHEDULING CLAIM CONSTRUCTION HEARING**

Pursuant to Local Rules 6-1 and 26-4, Plaintiff Konami Gaming, Inc. (“Konami” or “Plaintiff”) and Defendant Marks Studios, LLC d/b/a Gimmie Games (“Marks Studios” or Defendant”) hereby stipulate as follows:

WHEREAS, the parties to this action filed a proposed joint Discovery Plan and Scheduling Order (the “Scheduling Order”) on December 30, 2014, (*Docket No. 24*);

WHEREAS, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket No. 31*);

WHEREAS, the parties first requested to modify the Scheduling Order on February 6, 2015 (*Docket No. 35*);

WHEREAS, the Court so ordered the Scheduling Order on February 6, 2015 (*Docket No. 37*);

WHEREAS, the parties for a second time requested to modify the Scheduling Order on May 18, 2015 (*Docket No. 65*);

WHEREAS, the Court so ordered the Scheduling Order on May 19, 2015 (*Docket No. 66*);

WHEREAS, the parties for the third time requested to modify the Scheduling Order on July 23, 2015 (*Docket No. 73*);

WHEREAS, the Court so ordered the Scheduling Order on July 29, 2015 (*Docket No. 75*);

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1 **WHEREAS**, the parties for the fourth time requested to modify the Scheduling Order on
2 September 30, 2015 (*Docket No. 93*);

3 **WHEREAS**, the Court so ordered the Scheduling Order on October 1, 2015 (*Docket No.*
4 *95*);

5 **WHEREAS**, the parties for the fifth time requested to modify the Scheduling Order on
6 October 16, 2015 (*Docket No. 105*);

7 **WHEREAS**, the Court so ordered the Scheduling Order on October 19, 2015 (*Docket*
8 *No. 106*);

9 **WHEREAS**, the parties for the sixth time requested to modify the Scheduling Order on
10 November 10, 2015 (*Docket No. 111*);

11 **WHEREAS**, the Court so ordered the Scheduling Order on November 12, 2015 (*Docket*
12 *No. 112*);

13 **WHEREAS**, the parties for the seventh time requested to modify the Scheduling Order
14 on December 3, 2015 (*Docket No. 115*);

15 **WHEREAS**, the Court so ordered the Scheduling Order on January 25, 2016 (*Docket*
16 *No. 116*);

17 **WHEREAS**, the parties for the eighth time requested to modify the Scheduling Order on
18 January 22, 2016 (*Docket No. 118*);

19 **WHEREAS**, the Court so ordered the Scheduling Order on January 25, 2016 (*Docket*
20 *No. 119*);

21 **WHEREAS**, the Court issued Document No. 124, Order Scheduling Claim Construction
22 Hearing, on July 8, 2016, setting the claim construction hearing to take place September 29-30,
23 2016;

24 **WHEREAS**, the parties requested to modify the Court's Order Scheduling Claim
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Construction Hearing on August 2, 2016 (*Docket No. 127*);

WHEREAS, the Court so ordered the modification of the Order Scheduling Claim Construction on August 5, 2016 (*Docket No. 128*);

WHEREAS, the parties have conferred and agreed to adjust the discovery schedule following claim construction to accommodate the changes since the Scheduling Order was first entered, and good cause exists for this modification as the Court's claim construction order may assist in performing expert analysis and preparing expert disclosures; and

WHEREAS, this is the parties' ninth request to modify the briefing schedule.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the named parties hereto, that the Scheduling Order will be amended as follows:

Event	Proposed Date
Initial Expert Disclosures and Submission of Interim Status Report	45 days after a <i>Markman</i> order on claim construction
Rebuttal Expert Exchange	30 days after Initial Expert Disclosures
Fact Discovery Cut-off	120 days after entry of the <i>Markman</i> order on claim construction
Expert Discovery cut-off	90 days after Fact Discovery cut-off
Last Day to File Dispositive Motions	30 days after Expert discovery cut-off

IT IS FURTHER STIPULATED AND AGREED that nothing herein alters the obligations and requirements included in the Scheduling Order and that this Stipulation is made in good faith and not for the purpose of delay.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,

Dated: September 30, 2016

By: /s/ Robert Hernquist
 Robert Hernquist (Nevada Bar No. 10616)
 Wells Fargo Tower, Suite 1000
 3800 Howard Hughes Parkway
 Las Vegas, NV 89169

Patrick M. McCarthy (Michigan Bar No.

HOWARD & HOWARD ATTORNEYS, PLLC
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P49100)
(admitted *pro hac vice*)
2950 S. State Street, Suite 360
Ann Arbor, Michigan 48104-1475

Kristopher K. Hulliberger (Michigan Bar No.
P66903) (admitted *pro hac vice*)
450 West Fourth Street
Royal Oak, Michigan 48067-2557

Christopher J. Worrel (Michigan Bar No.
P75441) (admitted *pro hac vice*)
450 West Fourth Street
Royal Oak, Michigan 48067-2557

Attorneys for Plaintiff Konami Gaming, Inc.

Dated: September 30, 2016

By: /s/ Bradley Roush
Nicholas J. Santoro
(Nevada Bar No. 532)
Jason D. Smith
(Nevada Bar No. 9691)
SANTORO WHITMIRE
10100 West Charleston Blvd., Suite 250

Jonathan Moskin
Ramy Hanna
Adam Pence
FOLEY & LARDNER LLP
90 Park Avenue
New York, New York 10016-1314
(admitted *pro hac vice*)

Bradley Roush
FOLEY & LARDNER LLP
3000 K Street, NW
Washington, DC 20007-5109
(admitted *pro hac vice*)

Attorneys for Defendant Marks Studios, LLC

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

Dated: October 3, 2016



Carl W. Hoffman
United States Magistrate Judge

HOWARD & HOWARD ATTORNEYS, PLLC
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